The Solicitors' Journal

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CURRENT TOPICS

The Michaelmas Term

THE Michaelmas Sittings began on 12th October, with a list, which so far as the King's Bench Division and the Chancery Division are concerned is an improvement on the state of affairs at the corresponding time last year. There are 444 actions in the King's Bench Division. This is an increase of ninety-nine over last year at this time, but a decrease of thirty-three as against the previous year, 1943. There are 177 long non-jury actions and 251 short non-juries, eight short causes and eight commercial causes. The long non-jury actions number forty-nine more than last Michaelmas term, and the short non-juries have increased by forty-seven. The number of sixty-one causes in the Chancery Division last Michaelmas term has increased by twenty-five to eighty-six, of which forty are witness and twenty-eight non-witness matters. Mr. Justice UTHWATT is to take the sixty-one companies matters. There are seven Admiralty actions, an increase of one, as against last year, and the number of Probate and Divorce matters, mainly divorce, is 4,019, as against 2,430 undefended and 977 defended cases last year. In the Divisional Court there are 102 appeals as against 109 last year and 152 for 1943. In the Revenue List forty-four appeals show an increase of thirteen over last year and in the Divisional Court list thirty, showing a decrease of twenty-eight as against last year. There are seven housing appeals, the same figure as last year, twelve in the Special Paper, as against seven last year, and one under the Public Works Facilities Act, 1930, the same as last year. There are 119 appeals in the Court of Appeal's list, as against 127 last year and 182 in 1943. From the Chancery Division there are eleven appeals as compared with fifteen last year, and there are fifty-four appeals from the King's Bench Division as compared with seventy-eight last year. From the Probate Division there are seven appeals as compared with three last year, and three Admiralty appeals, an increase of one over last year. There are thirty-three appeals from county courts as against twenty last year. The number of appeals under the Workmen's Compensation Acts is five, the same as last year.

Speeding up Legislation

ON 26th September further evidence was heard before the Select Committee of the House of Commons on Parliamentary Procedure. Mr. JAMES STUART, who was Chief Whip in the Coalition Government, was critical of the Government's suggestion that time would be saved by referring nearly all Bills to Standing Committees, and thought that this would lead to more time being required in report stage. He did not think that as much as thirty days would be saved by the Government scheme. Bills of constitutional importance and other important measures, he thought, should be debated on the floor of the House. The suggestion of the Government that a guillotine procedure should be applied to the proceedings before the Standing Committees was not to be preferred to an agreed voluntary time-table. Mr. P. F. Cole, editor of the House of Commons *Official Report* also gave evidence and described the difficulties which he would experience in securing staff if the Government's proposals were adopted. In existing circumstances, he stated, he could provide for only four Standing Committees. He explained that shorthand writers for this class of work require a high degree of skill and are not easily obtained, especially on a casual, part-time basis, as reporters for these committees would necessarily be. The supply of efficient shorthand writers, he added, is heavily overtaxed at present, and is likely to remain so for some considerable time to come. In an admirable survey of the task of the committee, LORD HEMINGFORD, who as Sir Dennis Herbert was Chairman of Committees in the House of Commons from 1931 to 1943, wrote in the *Sunday Times* of 30th September that "the House is an autocrat in the arrangement of its own concerns," but the only limit is that it must act constitutionally, which means that it must be independent not only of a monarch or of a dictator, but of all executive government. It is to be hoped that these wise words of an experienced parliamentarian will not go unheeded.

Jury Trial

SINCE we wrote our last comment on the subject of the independence of juries, a further somewhat extraordinary incident at the Central Criminal Court has provided material for those who argue that the jury system is out of date. In a trial on 24th September, after the evidence for the prosecution had been called on a charge of incest, CHARLES, J., asked counsel for the prosecution: "Are you going to ask the jury to convict on this evidence?" His lordship then turned to the jury and asked them if they had heard enough. After briefly considering the matter with the rest of the jury, the foreman stated that they found the accused "Guilty." Charles, J., replied: "You cannot do that. You really ought to know better than to do that. You have heard only one-half of the case. I am suggesting to you that no man in his senses could find the man guilty of this terrible crime." The jury were discharged, a fresh jury was empanelled, the prosecution offered no evidence, and a verdict of not guilty was returned. This is hardly an illustration of the independence of juries, but it might seem to be an example of their occasional stupidity. There may be, however, a more merciful explanation. The atmosphere of the Central Criminal Court is apt to be overwhelming to the novice, and law-abiding

citizens called to jury service for the first time may sometimes be too subservient to judicial dicta. Under those circumstances it might not be impossible for the jury to have misunderstood the learned judge's question to prosecuting counsel as an intimation that he considered the accused to be so obviously guilty that the court's time should not be further wasted, even in hearing the accused. The sad aspect of the case was that the jury in question did not appear to have either the education or intelligence to know that it was their duty to hear both sides. This occurrence is by no means unique in character, and seems to call for more and better education on civic matters, as well as a possible revision of the juryman's oath.

The Solicitors' Benevolent Association

NEARLY every profession looks after those of its members and their families who are stricken by the way through no fault of their own, and neither branch of the legal profession is an exception to this rule. In some respects they provide notable examples of what benevolence and charity can achieve. The Solicitors' Benevolent Association, which held its annual meeting on 3rd October, has distributed during the past year grants and annuities amounting to £23,898 9s. 2d. among 388 beneficiaries. Mr. CHARLES H. CULROSS, chairman of the association, revealed this fact at its annual meeting and also stated that the previous year's figure was £500 less than this year, although since then grants had been substantially increased owing to the increase in the cost of living. Lump sums have been given, amounting usually to £50 each, to solicitors and others whose homes had been totally destroyed by enemy bombs. At present one-third of the solicitors who are on the roll are members of the association, and Mr. T. A. B. FORSTER, the vice-chairman, deserves all the congratulation he received at the meeting for the success which attended his appeal for new members. But complete success is nothing short of 100 per cent., and every solicitor on the roll who has surmounted the rocks and dangers that encumber the path of those seeking a livelihood from the law will, after but a moment's thought on the matter, wish, both as a thank-offering and as a duty, to join an association which provides his profession with an instrument of corporate benevolence to any of its members who suffers misfortune.

Borstal Treatment in Dartmoor

NOT long ago the Home Office published an explanatory booklet of the work and good results of the Borstal training. It has been known, however, for some time that accommodation for the class of offender consigned to this form of training has been woefully inadequate and some 350 are at present detained in local prisons and 250 in Wormwood Scrubs awaiting their turn in the queue, like the rest of the civil population for other and no less urgent commodities. The HOME SECRETARY announced on 27th September his decision to use Dartmoor Prison, a solitary place of grim associations and dank buildings, as a temporary Borstal institution. The announcement of this decision aroused indignation, as indeed might reasonably have been expected, among a number of responsible bodies and persons. The Executive Committee of the Howard League for Penal Reform sent a resolution to the Home Secretary expressing "astonishment and regret" at the decision, and pointing out that over ten years ago the then Home Secretary decided that Dartmoor was unsuitable even as a convict prison and should be abandoned. Its use as a convict prison was in fact abandoned in July of this year, since when the building has been used temporarily for men sentenced by courts martial for offences against military discipline. "In the present circumstances" the Home Secretary stated in announcing his decision, "the use of the buildings at Dartmoor is the only practical remedy." Borstal treatment is a system of education, and has nothing to do with prison treatment. The use of buildings adapted for use as a prison would be undesirable in itself, and it is even more so when the buildings are so desolate and forbidding as those of Dartmoor. A Borstal institution in Dartmoor, as Sir EDWARD CADOGAN, Chairman of the Executive of the Borstal Association wrote in a letter to *The Times* of 5th October, is a contradiction in terms. "Surely," he wrote, "among the innumerable buildings erected for various war purposes, and now obsolete, one could be found to serve the purpose appropriately until permanent quarters can be built by Borstal lads themselves in suitable surroundings." That, we submit, will be the general opinion.

Speedier Demobilisation

No more comfort can be drawn by solicitors from the statement of the Minister of Labour on 2nd October on speedier demobilisation than by members of most other professions. But the general promise it contains will, when fulfilled, afford a substantial measure of all-round relief to the prevalent labour shortage. The principle of release by age and length of service is to be retained and the rule that out of turn releases should be confined to one-tenth of all releases is also retained. The rate of release at present depends mainly on transport facilities, and it is the firm determination of the Government, according to the statement, to organise those facilities so as to release at least 3,000,000 men and women by June, 1946. By the end of this year nearly 1,500,000 men and women, it is stated, will be released in Classes A and B. Release groups to be released in a given period are notified to commands all over the world well in advance of the given dates. A period is laid down for the release of specified groups and arrangements are then made so that all men in those groups, wherever they may be, reach a dispersal centre in this country within the prescribed period. In addition to 70,000 workers to be released in Class B for building and ancillary industries, it is estimated that 150,000 workers in these industries will be released in Class A by the end of 1945. Up to 15th September, 1945, 267,732 men and 77,139 women have been released in Classes A and B. The programme for Class B releases, shown in an appendix to the statement, shows a total of 108,150 men to be released in the building and civil engineering and ancillary industries, and the underground coalmining, cotton, food, wool, gas, pottery and electricity industries. A total number of 17,180 men school teachers, university students, candidates for the Colonial and other similar services, theological students and university teachers are also to be released. University students number 3,000 of these. A total number of 7,900 women are to be released for the wool, textile, laundries, cotton, boots and shoes, clothing, cigarettes, jute and flax industries, as well as 1,000 hospital cooks and 500 telegraph and telephone operatives. The statement also contains, in another appendix, the estimated releases according to age groups from the various services to June, 1946. The intakes into the services which are planned from mid-1945 to the end of the year are 160,000 men and 15,500 women. About 110,000 of the men will be youths of eighteen. The balance of 50,000 men will be recruited from the munition industries. The women will be volunteers. A monthly progress statement is to be issued and another statement will show the changes in the numbers in civilian employment.

Financial Assistance to Industry

A TREASURY announcement on 30th September, 1945, states that a committee has been appointed to advise the Government in giving financial assistance to industry under the provisions of s. 4 of the Distribution of Industry Act, 1945. That section allows the Treasury, in accordance with recommendations of an advisory committee and on certain conditions, to make annual grants or loans to industrial undertakings which are being carried on or which it is proposed to carry on in a development area and which are approved by the Board of Trade as complying with the requirements of the proper distribution of industry. The committee is to be known as the "Development Areas Treasury Advisory Committee," and Sir NIGEL L. CAMPBELL is to be chairman. The work of the committee will be to examine applications

and to make recommendations for financial assistance to be given by the Treasury to industrial undertakings established or to be established in a development area, to enable such undertakings to raise necessary capital. Applications for assistance cannot be entertained unless the undertaking has already been approved by the Board of Trade as complying with the proper distribution of industry. The Treasury state that before recommending that assistance be given, the advisory committee must be satisfied (1) that there are good prospects that the undertaking will ultimately be able to be carried on without further assistance under the section, and (2) that the person carrying on the undertaking or proposing to do so cannot, for the time being, without the assistance under the section, obtain the capital required for the purposes of the undertaking on the requisite terms. The assistance given by the Treasury will normally be by way of annual grants, and it is contemplated that the power to make loans (as distinct from grants) will only need to be exercised in exceptional circumstances. Applications and other inquiries should be addressed as follows: (1) As regards approval of the undertaking by the Board of Trade to the Assistant Secretary, Control of Factory and Storage Premises, Board of Trade, Millbank, London, S.W.1; (2) As regards financial assistance to the Secretary of the Committee at the Treasury, Great George Street, London, S.W.1.

Companies Registration Department

THERE is welcome news of the impending return of this department to London from its war-time location at Llandudno. We understand that the removal will commence on the 15th of this month and be completed on the 29th. From the 15th the files of companies registered after 18th October, 1940, will not be open to inspection at Llandudno but will be available at Bush House, London, as soon as possible. During the period of removal, documents for registration or filing may be lodged either at Llandudno or at Bush House, but after the 25th will only be accepted at the latter office. Readers will wish to note these arrangements as the sending of documents to the wrong address will involve loss of time in addition to throwing extra work on the Registry staff.

Recent Decision

In *Gordon, Dadds and Co.* v. *Morris and Others*, on 4th October (*The Times*, 5th October), LYNSKEY, J., held (1) that the word " delegation " in reg. 51 (5) of the Defence (General) Regulations, 1939, was used in its ordinary sense, and that delegation by a competent authority did not divest that authority of any of its powers under the regulation; (2) that where a competent authority took possession of land for one purpose, it was empowered by the regulation to use or direct the use of land for another purpose, provided that that purpose came within the ambit of one of the purposes named in the regulation, and to continue in possession for that purpose. The plaintiffs, a firm of solicitors, having found difficulty and discomfort in carrying on business in their premises at St. James's Place owing to serious damage through enemy action, bought in January, 1944, premises at 80 Brook Street, W., which at that time were in the possession of the Westminster City Council under a requisitioning notice of 30th September, 1940, made by Sir Parker Morris, Town Clerk of the Westminster City Council, under powers delegated to him by the Minister of Health by reason of reg. 51 of the Defence (General) Regulations, 1939. The object of the requisition was to provide temporary accommodation for the " bombed out." Later the plaintiffs learned that the Westminster City Council had ceased using the premises for this purpose, but the Ministry of Health was about to authorise their use for occupation by wives of Canadian soldiers on their way to Canada.

A CONVEYANCER'S DIARY

LICENCES

IN the new edition of Salmond on Torts (which I shall review in a general way in another column) there appears the following statement: " Since a licence is not a legal servitude, it does not run with the servient land at law so as to bind all subsequent owners of it. At law, indeed, it is a mere agreement, which binds no one save the grantor himself. Such an agreement, however, if of such a nature as to be specifically enforceable, amounts to a good equitable servitude—that is to say, it binds and runs with the land in equity so as to be enforceable not merely against the grantor, but also against all subsequent owners and occupiers of the land, except purchasers for value without notice of any such equitable right " (p. 246). The only authorities cited for this proposition (which is not new in the present edition) are *Moreland* v. *Richardson* (1855), 25 L.J. Ch. 883, and *Hervey* v. *Smith* (1856), 22 Beav. 299. *Moreland* v. *Richardson* is also reported twice (once at the interlocutory and once at the final stage) in 22 Beav. 596 and 24 Beav. 33.

The nature and effect of licences is one of the most arguable matters in the law of property. Nevertheless, I do not think that the passage quoted can be right; moreover, the cases cited can be accepted as correctly decided, and can be explained, without resort to the proposition in whose support they are cited.

Perhaps I should make it clear at the outset that the question here at issue, whether an assign of the land of the licensor can ignore the licence, is distinct from the question whether a given licence is revocable by the licensor himself. I shall also, for simplicity, deal with the matter on the footing that a " licence " is a permission given by the licensor to the licensee to do some act on the land of the licensor. There are, of course, other sorts of licence, including the very similar class in which the licensor allows the licensee to do some otherwise actionable act on the licensee's own land. A licence as thus defined is essentially a release of the right to bring an action of trespass in respect of the licensed activities.

In the second of the cases cited in " Salmond," *Hervey* v. *Smith*, the " licence " consisted of an agreement under which permission was given to the owner of one house to discharge smoke into the chimneys in his neighbour's wall. The Court of Chancery enforced this agreement against a purchaser (with notice) of the servient tenement. Terminology was not so clear-cut at that time as it now is, but I think that by modern standards the incident thus enforced was not a licence but an equitable easement. It had all the characteristics of an easement, including a dominant and a servient tenement, and only failed to be a true legal easement from not having been duly created by deed. Equity can, and repeatedly does, cure the absence of a deed.

The other case, *Moreland* v. *Richardson*, is more difficult to explain. The incident there enforced was a right of burial, granted in perpetuity by unsealed writing. It was enforced against assignees (with notice) of the burial ground. In the two reports in Beavan there is a curious shift in terminology: on the application for an interlocutory injunction, the Master of the Rolls spoke of the incident as an easement (which it certainly was not, there being no dominant tenement); in his final judgment, however, he spoke of " possession " and " enjoyment " of a right having been disturbed, terms more appropriate to an equitable fee simple than to a mere right *in alieno solo*. That is, I think, the true explanation of *Moreland* v. *Richardson*; the grantees had an actual fee simple in equity in the graves.

The real trouble about *Moreland* v. *Richardson* is that, like so many other cases in the middle of the nineteenth century, the Chancery concept of notice was given undue prominence. Decisions were put on the sole ground of notice where notice was but one of several points. Thus, as I have pointed out

before, *Tulk* v. *Moxhay* (in 1848) started a line of cases about restrictive covenants founded on notice, which got completely out of hand in the following twenty or thirty years, leading inevitably to a reaction at the end of the century. The reaction reached its clearest expression so far as restrictive covenants are concerned in *L.C.C.* v. *Allen* [1914] 3 K.B. 642; it is, perhaps, significant that the judgment in the Court of Appeal which is regarded as the centre of present-day doctrine on this subject, was that of Scrutton, J., a common law judge. In effect, the court decided that if the burden of a restrictive covenant is to run with land so that the covenant is enforceable against an assignee of the land who has notice of its existence, it must be supported by a dominant tenement for whose benefit it enures, just like an easement. It would now be out of the question to argue the contrary. Restrictive covenants have thus become assimilated to easements in the requirement of a dominant and a servient tenement. That being so, is it conceivable that a licence, a more onerous sort of incident since it permits actual entry on the servient land, would now be enforced against an assignee of the servient land otherwise than for the benefit and protection of dominant land? Again, is it conceivable that it is now the law that, while a right of way granted by deed will fail as against an assign of the servient tenement if it is in gross, the same right of way, if granted under hand, will be enforced in equity against the same assign as being a licence within a rule created or implied by *Moreland* v. *Richardson*? Such a proposition would make nonsense of the now well-established rules that an easement must enure for the benefit of a dominant tenement, and that a restrictive covenant must do the same, if either class of incident is to run with the servient tenement.

Moreland v. *Richardson* is capable of explanation, however, on the basis that it was not a case about a licence at all, but that it concerned the enforcement of an equitable fee simple. If it is not to be explained on that ground, it can only be described as an example of the application of the doctrine of notice at a stage of its development which is now far in the past. Regarded as a case about a licence, it appears to be in flat contradiction with the decision of the House of Lords in *King* v. *Allen* [1916] 2 A.C. 54. That case concerned a licence to post advertisements. The assignee of the site refused to allow bills to be posted, and the "licensee" recovered damages *ex contractu* against the original "licensor." He could not have recovered damages if he had been still entitled to post the bills, and, indeed, the noble and learned lords intimated that, whatever the ethics of the matter, the assign was within his rights in refusing. In view of this decision, which is not only one in the House of Lords, but is consistent with the current of authority in the twentieth century with reference both to easements and to restrictive covenants, it seems now to be impossible to say with accuracy that a licence to do acts *in alieno solo* is enforceable against assigns except for the benefit and protection of land: and if there is dominant land the incident is not a licence but an easement. The point arose directly in a county court case, *N* v. *D*, discussed here on 22nd and 29th November and 6th December, 1941, which was decided after elaborate argument, in the sense which I have indicated. I do not think there is any direct reported authority more recent than *King* v. *Allen*, but in view of *King* v. *Allen*, it is scarcely surprising that *N* v. *D* did not go to the Court of Appeal.

The point is of substantial practical importance, quite apart from its technical interest. There are many incidents of the kind in question, for instance, licences to put up advertisements, licences to maintain electric signs, and so on. If Salmond's statement is right, those licences are still valid though the *locos in quo* may have changed hands. If, as is my submission, that statement is wrong, the licensees will have to negotiate again with the new owners. No doubt there are ways of securing the position of the advertiser, for example, by making him a lessee of the site. But in many cases that will not have been done, and such cases will need to be examined by the advisers of all parties now that advertising may again become possible on a more considerable scale than war-time conditions allowed.

LANDLORD AND TENANT NOTEBOOK

PROCEDURE IN POSSESSION CASES

THE "Notebook" has, in recent times, discussed the question of unauthorised and prohibited alienation on a number of occasions (e.g., 88 SOL. J. 5, 12, 31, 388). These articles have dealt with the substantive law; and a correspondent now suggests that I should write about the problems which arise when a landlord has a cause of action for possession on the ground of unauthorised alienation, notably the question of whom to sue: tenant, unauthorised alienee, or both. (I am also asked to deal with the matter for forfeiture notices in the case of breach of covenant against alienation, but must leave this for a future occasion.)

I think it may be useful to approach this problem from the far end, i.e., first to examine the instruments by virtue of which possession is given to the successful plaintiff by the executive officers of the law if the judgment is ignored, and then work backwards.

Possession may, it will be remembered, be sought in three kinds of tribunals: the Supreme Court, county courts, and magistrates' courts.

The High Sheriff, or his officer, is provided with a writ which, after greeting him, recites that by a judgment the plaintiff recovered possession of premises described, *or* that the defendant was ordered to deliver to the plaintiff possession of those premises. It proceeds to command him to enter the same and without delay to cause the plaintiff to have possession of, etc. Going back, we find that R.S.C., Ord. 47, r. 2, runs: "Where by any judgment or order any person therein named is directed to deliver up possession of any lands to some other person, the person prosecuting such judgment or order shall, without any order for that purpose, be entitled to sue out a writ of possession on filing an affidavit showing due service of such judgment or order and that the same has not been obeyed." Going back again, r. 1 provides (1) "A judgment or order that a party do recover possession of any land may by leave obtained on *ex parte* application . . . be enforced by writ of possession . . ." but (2) [an amendment made in 1936] "Such leave shall not be given unless it is shown that all persons in actual possession of the whole or any part of the land have *received such notice* of the proceedings as may be considered sufficient to enable them to apply to the court for relief or otherwise."

The high bailiff derives his authority to execute orders for possession from a warrant which, after reciting three facts, namely, the judgment that the plaintiff was entitled to possession, the order that the defendant should give him possession, and the defendant's failure to obey the latter, says: "These are therefore to authorise and require you forthwith to give possession of the said land to the plaintiff." The rule of court dealing with this C.C.R., Ord. 25, r. 71, speaks of a "judgment or order for the recovery of land *or* for the delivery of possession of land," which may be made in an action for the recovery of land *or* in any other proceedings.

"Constables and peace officers of the district" who are commanded, by magistrates operating the Small Tenements Recovery Act, 1838, to give possession to the successful applicant receive a warrant reciting the complaint and authorising and commanding them "to enter (by force, if needful), and with or without the aid of [the owner], etc., into and upon the said tenement, and to eject thereout *any person*, and of the said tenement full and peaceable possession to deliver to the said [owner]."

I have set these provisions out at some length with a view to making this point: diverse as they are, in none of the instruments issued to the officers concerned is the defendant

or respondent referred to except in recitals. The actual mandates do not mention the unsuccessful litigants at all: the sheriff (or his officer) is commanded to enter the land and cause the plaintiff to have possession; the county court bailiff is authorised and required to give possession to the plaintiff; the constable or peace officer is authorised and commanded to enter, to eject any person, and deliver possession of the tenement.

This suggests that the judgments and orders are *in rem*, not *in personam*; and, going back a stage further, it is indeed the case that the essential words of a High Court judgment are "it is adjudged that the plaintiff recover possession of the land described as . . . "; those in a county court case are "it is adjudged that the plaintiff do recover against the defendant possession of the land mentioned in the particulars of claim . . . that is to say . . . "; while justices issue warrants "upon proof of the holding and of the end or other determination of the tenancy . . . and of the neglect or refusal of the tenant *or occupier*" to quit and deliver up possession.

It was, indeed, held centuries ago, in *Upton and Wells Case* (1589), 1 Leon. 145, that a sheriff executing a writ of possession must turn everybody out; and in *Doe d. Hellyer* v. *R.* (1851), 6 Ex. 791, Parke, B., said it was the duty of the sheriff "to put the lessor in possession by turning out all the persons there." There is far more older authority on the importance of identifying the land than on the position of strangers to the proceedings.

Turning to something more recent, one of two cases in which the Estate Governors of Dulwich College, anxious to preserve the amenities of certain property, took action to prevent sub-letting, is instructive. In *Berton* v. *Alliance Economic Investment Co.* [1922] 1 K.B. 742 (C.A.), the facts were that lessees of one of the houses underlet it to someone who, in breach of covenants in the underlease, sub-let it in separate tenements to weekly tenants. They successfully sued him for possession, but took no action against the weekly tenants. The action was based on breach of covenants against permitting user otherwise than as a private dwelling-house and against suffering annoyance. The question thus arose, had the defendants broken these covenants by refraining from making the weekly tenants (who had claimed the protection of the Increase of Rent, etc., Acts) defendants in the action? For present purposes I need cite only part of the judgment of Atkin, L.J., to show what the proper procedure is: "It is plain that the action was properly constituted without the presence of the under-tenants in actual possession. That was established in *Minet* v. *Johnson* (1890), 63 L.T. 507, where the plaintiff, having issued a writ against the defendant for possession, signed judgment in default of appearance and the sheriff executing the writ of possession ejected a man named Hartley, who was in actual possession but did not claim under the defendant. Hartley then applied to set aside the writ and subsequent proceedings for irregularity. It was held that the right order was not that the writ, but that the judgment and subsequent proceedings, should be set aside on the terms that the applicant should within twelve days elect to be added as a defendant. . . . The court was of opinion that . . . although in the ordinary course the proceedings in an action of ejectment ought to be served on the person actually in possession, there were circumstances in which this was no longer necessary."

It was not long after this decision that the amendment represented by R.S.C., Ord. 47, r. 1 (2), was made (but for which, possession might conceivably be obtained of land by suing someone who had no interest in it at all). The upshot is, that in the cases visualised by our correspondent, regard should be had to R.S.C., Ord. 12, r. 25, or C.C.R., Ord. 10 (1), entitling persons not named as defendants to appear and defend. It is not normally necessary to sue the unauthorised alienee, but notice should be given to him of the proceedings, so that he may avail himself of the machinery provided by the rules.

TO-DAY AND YESTERDAY

October 8.—Sir Eubule Thelwall, principal of Jesus College, Oxford, died on the 8th October, 1630, and was buried in the college chapel. So noble had been his benefactions in beautifying the buildings that he was styled the second founder. In 1622, the year after he became principal, he obtained the college a second charter from James I. He was admitted to Gray's Inn in 1590, was called to the Bar in 1599, became a Master in Chancery in 1617, and was knighted in 1619. In 1624 he earned the gratitude of his Inn for the energy he displayed in the rebuilding of the chapel, and in the following year he was treasurer. He was responsible for other building operations within the Inn.

October 9.—In 1529 the attempts to induce the Pope to pronounce the annulment of Henry VIII's marriage with Catherine of Aragon failed and Cardinal Wolsey, to whom the King had looked to achieve his wish, knew that he was defenceless before his enemies. On the 9th October, as he took his seat as Chancellor in Westminster Hall, proceedings against him for the offence of *praemunire* were being initiated in the Court of King's Bench on the other side of the hall. The Statute of *Praemunire* made it an offence to draw any out of the realm in plea on any matter of which the cognizance properly belonged to the King's court, and it was alleged that his acknowledgment of the papal jurisdiction in the matter of the nullity proceedings constituted such an offence. He was declared guilty and his lands and goods were declared forfeited. He was allowed to retire to his Archbishopric of York but soon he was summoned to London to answer a charge of treason. On the way south he died.

October 10.—Formerly the Inns of Court had some difficulty in collecting dues from members. On the 10th October, 1568, the Inner Temple benchers declared that an earlier order concerning notice to be given to members indebted to the House, "shall be understood to be that the same notice shall be by proclamation to be made in the hall three several days in term time . . . and after the last proclamation payment shall be made within three months." Defaulters were to forfeit their chambers.

October 11.—Shops were a feature of the Temple from very early times. On the 11th October, 1579, the Inner Temple benchers refused a petition of one Woodye "to have a shop window out of his house to open into the way leading from the street down into the Temple." But Roger More, glover, was to "continue in his shop paying yearly to the treasurer for the time being a pair of gloves and keeping the way about the same clean and sweet."

October 12.—The Inner Temple records on the 12th October, 1552, contain an account of the ceremonies there when Thomas Gawdy became a serjeant-at-law. About seven in the morning two barristers were sent to his chambers to tell him that all the company were waiting for him in the hall. He came and, standing above the hearth alone, while the rest stood beneath, he told them he had received the King's writ to become serjeant and so must depart from them. He then exhorted them to keep the learning and orders of the House. The eldest bencher thanked and congratulated him, and the treasurer gave him £10 in the name of the whole company.

October 13.—On the 13th October, 1666, Pepys attended a Tangier Committee at which Lord Clarendon was present. He noted: "I am mad in love with my Lord Chancellor for he do comprehend and speak out well and with the greatest easiness and authority that ever I heard man in my life. I did never observe how much easier a man do speak when he knows all the company to be below him, than in him; for though he spoke indeed excellent well, yet his manner and freedom of doing it, as if he played with it, and was informing the rest of the company, was mighty pretty."

October 14.—On the 14th October, 1550, the Inner Temple benchers ordered that "John Fuller be discharged from the company and not acknowledged by the Society because he was elected reader and, having taken upon him the same office, retired, refusing to exercise it to the great detriment and scandal of the House."

IRISHMAN'S VERSE

A sixty-one-year-old Irishman, who recently pleaded guilty at Shrewsbury to being drunk and was fined 10s., handed the

clerk of the court a versified explanation written in his cell beginning :—

" Dear Sirs, I ask your pardon for my trouble here last night.
I came to town just for the day. I never look for fight.
I drank some beer and stout and the truth is here to see.
It's a mystery to my senses how it got the best of me."

The verses ended :

" I promise for the future I'll never cause the same.
I'll respect the town and help the crown and guard my Irish name."

The Irish have a ready turn for that sort of thing. There was an emigrant from Clare who landed in America in the 'eighties and rhymed away even when brought to court over his landlady's bill :—

Judge
Where do you come from ?
Clareman
Know ye the hills of classic Clare ?
My infancy was nurtured there,
At Carrow by the broad Atlantic
The crossing which has made me frantic.
Judge
How do you live ?
Clareman
How do I live ? My answer's ripe.
I live on air as does the snipe.

So it went on till the judge arranged a compromise and the Clareman and the landlady left the court together, it is said to get married.

Poetry and the Solicitor

But rhyming is not confined to Irishmen. In that most delightful book, " Confessions of an Uncommon Attorney," Mr. Reginald Hine tells of a client who often sent him her instructions in witty couplets and looked for a like reply. " In the wear and tear of office life," he writes, " and at the uninspired hour of nine in the morning, it can be rather trying. But with the assistance of nimble-minded clerks, and with *The Rhymer's Lexicon*, by Loring, at my elbow, I do my best." He suggests a special item in his bill : " To mental strain replying to your letters in verse," and adds that if The Law Society would sanction a charge of even a shilling a rhyme he would turn poet and compose all his letters in verse. Earlier in the book he tells how having been called on to draw up a will for a penniless poet, he said he would accept one of his poems in satisfaction, and in that kind received rich payment, a poem so lovely as to be worth far more than the two guineas he would have charged a common client. Feeling, therefore, that some charge was due, he sent his client a translation of his own rendering from the French of Christopher Plantin's poem on " The Good Things of Life."

REVIEW

Salmond's Law of Torts. Tenth Edition. By W. T. S. Stallybrass, D.C.L., of the Inner Temple, Barrister-at-Law. 1945. London : Sweet & Maxwell, Ltd. £1 15s. net.

" The Conveyancer " writes :—

A fresh edition of " Salmond " after almost ten years is an event, and it has been a pleasure to use this occasion to make a more extensive acquaintance with a subject fascinating in its breadth and variety. The book contains a good deal that is admittedly controversial, as is inevitable in a work which tries to systematise a heterogeneous collection of rights of action which have grown up haphazard, like so many of our institutions. I am proposing to discuss one or two of these subjects which directly affect Chancery practice in the " Diary " ; it would be presumptuous for me to enter into detailed discussion of the treatment of those torts which rarely concern us in Lincoln's Inn.

But, while I have found this book refreshing, and of great interest (especially in those parts of which I know least) I am left wondering for what class of reader it is chiefly intended. There is a curious fluctuation in the prefaces to the different editions. Thus, Sir John Salmond said in the first edition that he was writing both for " lawyers and students of the law," a necessarily difficult task, and one likely to compel an election sooner or later. In the first edition for which the learned editor was responsible (the seventh) he seemed to have elected as he said that the book was " in the first place a student's book." In the eighth he still said that it " is primarily intended for students," although he added, with accuracy, that " it is much used by Bench and Bar." In the tenth edition, however, Mr. Stallybrass reverts with approval to the statement in the first edition, which equates student and practitioner. But in the meantime the book has grown ; the text of the present edition is nine pages shorter than that of the seventh (which was about 130 pages longer than the second), but the war-time spacing conceals an increase apparently equivalent to almost another hundred pages over the seventh edition. Such length is altogether unnecessary for students as is apparent from a comparison with the admirable new students' book by Blackburn and George, or with " Underhill." Moreover, I doubt whether principle and example are clearly enough segregated for the student. On the other hand, as a practitioner's book it seems to need expansion, since such a book should be exhaustive of the subject. On matters with which I am sufficiently informed to express an opinion, that is not at present the case. And on any view the book would be the better for the removal of references to the literature of legal criticism and to foreign law ; the student is liable to be confused by them, at a stage when his need is for a clear grasp of the first principles of our own law, while the practitioner's desire is to be referred to authorities which he can cite in the courts.

I hope that these comments will not be thought unfriendly, but I cannot help thinking that the next edition would be more useful, either to the student or to the practitioner, if the learned editor will choose one of them and concentrate on the requirements of that one.

COUNTY COURT LETTER

Fresh consideration for Bet

The judgment in *John* v. *Potter*, noted at p. 456, *ante*, has been reversed by the Court of Appeal.

The Definition of an Agricultural Holding

In *Grant* v. *Bristow*, at Spalding County Court, the claim was for possession of a granary in High Street, Donington, and £5 mesne profits. The plaintiff's case was that notice to quit had been given, and he was therefore entitled to possession. The defendant's case was that the granary was part of an agricultural holding, and therefore the consent of the Minister of Agriculture was necessary to validate any notice to quit. His Honour Judge Langman held that, in view of the distance between the farm and the granary, the latter was not part of an agricultural holding. No consent was required for the notice to quit to be given. Judgment was given for £5 and possession in twenty-eight days, with costs to the plaintiff.

CORRESPONDENCE

[*The views expressed by our correspondents are not necessarily those of* The Solicitors' Journal]

Dartmoor for Borstal

Sir,—The executive committee of the Howard League has passed the following resolution and sent it to the Home Secretary :

" The Executive Committee of the Howard League for Penal Reform has heard with astonishment and regret of the decision to use Dartmoor Prison as a Borstal Institution. More than ten years ago the then Home Secretary decided that Dartmoor was unsuitable for use even as a convict prison and should be abandoned. Its isolation, which practically precludes voluntary work for the lads and cuts both them and the staff off from normal cultural activities and human contacts ; the fog and rain, which prevent outdoor work on roughly half the days of the year ; combine with the construction and grimness of the buildings to render the prison as unsuitable for a modern institution for delinquent lads as it is possible to conceive.

" The Committee hopes that the decision may be rescinded and that an alternative institution for the Borstal lads now waiting in local prisons for transfer to Borstal may be found, if necessary amongst some of the camps or buildings now in the possession of the War Office or Air Ministry."

Cicely M. Craven,
Howard League for Penal Reform.

London, S.W.1.
1st October.

The Government have appointed Lt.-General Sir W. G. Lindsell to secure the orderly release of factory space requisitioned for war purposes. This factory space is now urgently required for the expansion of home and export trade, and for implementing the Government's full employment policy. Information about the de-requisitioning of storage space should still be obtained from the Control of Storage Premises, Board of Trade, Millbank, or from the Board's regional controllers.

OBITUARY

SIR ARTHUR QUEKETT, K.C.

Sir Arthur Quekett, K.C., Parliamentary Counsel to the Government of Northern Ireland since 1921, died on Tuesday, 2nd October, aged sixty-four. He was called to the Bar by King's Inns, Dublin, in 1909, and took silk in Northern Ireland in 1923. His publications included contributions to the *Journal of Comparative Legislation* and THE SOLICITORS' JOURNAL.

MR. J. P. LARKMAN

Mr. James Preston Larkman, solicitor, of Messrs. Larkman and Robinson, solicitors, of Beccles, died recently, aged eighty-three. He was admitted in 1885, and retired from practice last year.

MR. F. S. TURNBULL

Mr. Frank Simpson Turnbull, solicitor, of Messrs. George Turnbull & Son, solicitors, of Bradford, died on Saturday, 29th September. He was admitted in 1909.

SOCIETIES

SOLICITORS' BENEVOLENT ASSOCIATION

Presiding at the annual meeting of the association held at 60, Carey Street, W.C.2, on 3rd October, Mr. Charles H. Culross, chairman, reported that during the past year £23,898 9s. 2d. had been distributed in grants and annuities to 388 beneficiaries. This exceeded last year's figure by £500 in spite of the fact that grants had been increased substantially to meet the higher cost of living, and lump sums had been given—generally £50 each—to solicitors and their dependents whose homes were totally destroyed by bombs.

Mr. T. A. B. Forster, of Newcastle-upon-Tyne (the vice-chairman) was present, and was congratulated on the successful appeal which he had made for new members.

The chairman referred to the interest shown in the Association's work by The Law Society and the Provincial Law Societies, and expressed on behalf of himself and his fellow directors sincere thanks and appreciation for this co-operation. The kindness of The Law Society in allowing the use of a room for the monthly board meetings was, he said, also greatly appreciated.

Membership of the association is open to all solicitors on the Roll, but so far only about one-third of the profession have become subscribers. Mr. Culross asked all those present to do their utmost to bring the claims of the association before solicitors who are not already members. The secretary, Miss Passmore, at the offices of the association, 12, Cliffords Inn, E.C.4, will gladly give information at any time about the association's work.

The monthly board meeting was held after the annual meeting, when grants amounting to £3,655 14s. were made to forty-nine beneficiaries.

RECENT LEGISLATION

STATUTORY RULES AND ORDERS, 1945

No. 1216/L.19. **Acquisition of Land** (Compensation for War Damaged Land) Rules, 1945. Sept. 28.

No. 1209. **Aliens.** Order in Council. Sept 28.

No. 1196. **Children and Young Persons, England.** Voluntary Homes Regulations. Sept. 26.

E.P. 1171/S.3. **Civil Defence** (Employment and Offences) (No. 2) Order (Scotland). Sept. 20.

E.P. 1200. Civil Defence (Employment and Offences) (No. 4) Order. Sept. 20.

E.P. 1208. **Defence Regulations.** Sept. 28. Revoking and amending certain Defence Regulations.

E.P. 1176. **Prohibited Goods.** Miscellaneous Goods (Prohibition of Manufacture and Supply) (No. 7) Order. Sept. 25.

E.P. 1167. **Road Traffic.** The Emergency Powers (Defence) Built-up Areas (Revocation) Order. Sept. 19.

No. 1198. **Trading with the Enemy, Hungary.** General Licence. Sept. 28.

[Any of the above may be obtained from the Publishing Department, S.L.S.S., Ltd., 88/90, Chancery Lane, London, W.C.2]

The usual monthly meeting of the directors of The Law Association was held on the 1st October, Mr. Frank S. Pritchard in the chair. The other directors present were Messrs. Guy H. Cholmeley, C. A. Dawson, Ernest Goddard, G. D. Hugh Jones, John Venning and William Winterbotham, and the secretary, Mr. Andrew H. Morton. The sum of £414 15s. was voted in relief of deserving applicants, and other general business was transacted.

NOTES OF CASES

COURT OF APPEAL

***In re* Carlton**

Lord Greene, M.R., du Parcq and Morton, L.JJ. 9th July, 1945

Nationality—Parents naturalised in 1910*—Applicant then over twenty-one—Whether applicant naturalised—"Child"—Meaning—Naturalisation Act,* 1870 (33 & 34 *Vict. c.* 14), *s.* 10 (5).

Appeal from Cohen, J. (*ante*, p. 225).

The applicant was born in Roumania of parents who had no nationality. His parents came to England in 1894 with the applicant, then an infant. The father in 1910 was granted a certificate of naturalisation, together with his wife and their seven infant children. In 1912 the applicant was over twenty-two years of age. By this summons he asked for a declaration that, having regard to the provisions of s. 10 (5) of the Naturalisation Act, 1870, he was deemed to be a British subject. Section 10 (5) provides: "Where the father, or the mother being a widow, has obtained a certificate of naturalisation in the United Kingdom, every child of such father or mother, who during infancy has become resident with such father or mother in any part of the United Kingdom, shall be deemed to be a naturalised British subject." The cross-heading in the Act immediately preceding is in the following terms: "National status of married women and infant children."

COHEN, J., held that the word "child" was of ambiguous meaning. In s. 10 (5) it meant "infant child." The matter was placed beyond doubt by the cross-heading. He dismissed the application. The applicant appealed in person.

LORD GREENE, M.R., dismissing the appeal, said that he agreed with Cohen, J., that "child" in s. 10 (5) meant "infant child." If this were not so, the most extraordinary results would follow. Without taking into account the cross-heading, he was prepared to hold that in s. 10 (5) child meant "infant child."

DU PARCQ and MORTON, L.JJ., agreed in dismissing the appeal.

COUNSEL: *Harman*, K.C. and *Danckwerts* for *the Attorney-General.*

SOLICITOR: *Treasury Solicitor.*

[Reported by Miss B. A. BICKNELL, Barrister-at-Law.]

KING'S BENCH DIVISION

Southwell *v.* Ross

Singleton, Oliver and Birkett, JJ. 23rd July, 1945

Food and drugs—Misleading label—Sample taken at shop at manager's request—Observance of formalities—Food and Drugs Act, 1938 (1 & 2 *Geo.* 6, c. 56), *s.* 70 (1), (2).

Case stated by Surrey justices.

Informations were preferred by an inspector under art. 1 of the Defence (Sale of Food) Regulations, 1943, against S, in respect of two labels given by him with two articles of food consigned by him, which labels were calculated to mislead as to the nature, substance and quality of the foods, respectively stated by the labels to be British Pale Golden Sherry Type, and British Wine Port Type. At the hearing of the informations, the following facts were established: The manager of a shop belonging to a firm of grocers having received complaints about the wines in question, and wishing to have them analysed, asked the inspector to take samples of them for that purpose. On the 22nd September, 1944, the inspector therefore took a sample of each of the wines from a bottle. The manager knew that the inspector was taking the samples for the purpose of submitting them to analysis. The wines had been purchased by the grocers from the consignor and delivered to the manager at the shop about a week before. The inspector at the shop divided each of the samples into three parts, but he did not hand any part of either sample to the manager or inform him that the bottles were purchased for analysis, as the manager already knew that the samples were being taken for purpose of analysis. Before leaving the shop, the inspector reimbursed the manager in respect of the wholesale value of the two bottles, and the manager placed the 22s. so received in the till. On the labels of the two bottles were the name and address of the vendor who was stated also on the container containing the wines sampled to be the consignor. On 25th September the inspector sent one-third of each sample to the public analyst and also by registered post to the consignor, notifying him of his intention to have the samples analysed. The analyst certified that the two samples were coloured and flavoured cider of an alcoholic content much below that of British wine, and the food authority thereupon caused these

proceedings to be taken against the consignor without first proceeding against the grocers. It was contended for the consignor that s. 70 (1) of the Food and Drugs Act, 1938, governed the case; and that the inspector was wrong in failing to inform the manager of his intention to have the samples analysed or then and there to hand him one-third of each of the samples taken. It was contended for the inspector that the case was governed by s. 70 (2) of the Act and that it had duly been complied with. The justices upheld the inspector's contention, and they found that, while the consignor had not been aware that the labels in question were misleading as alleged, he had failed to prove in accordance with art. 1 of the regulations of 1943 that he could not by reasonable diligence have ascertained that the labels were of such a character. They accordingly convicted and fined him. The consignor appealed.

SINGLETON, J., said that s. 70 (1) dealt with the ordinary case where a sample was taken from a retailer against whom it might be thought fit to take proceedings. It dealt with both the purchasing and the taking of samples, but was in quite different terms from s. 70 (2). It had been argued for the inspector that, even if the case came under s. 70 (1), the requirements of that subsection had still been complied with, if only because the request of the manager of the shop to the inspector by itself constituted sufficient notice of intention to have the samples analysed. In his (his lordship's) opinion, however, the case fell within s. 70 (2), which dealt with cases where samples were taken in transit or at the place of delivery to the consignee. It was argued for the consignor that, even so, still subs. (1) required that the inspector should at once give notice of his intention to have the sample analysed. He (his lordship) did not agree. Subsection (2) provided a modification as contemplated by the proviso to subs. (1), and prescribed a quite different procedure from subs. (1). In any case, the objection taken was highly technical. The person at whose premises the samples were taken was the person who had asked that they should be taken. There was accordingly no need for the inspector to notify him of his intentions. The appeals failed.

OLIVER and BIRKETT, JJ., agreed.

COUNSEL: *Ronald Parry; Gerald Howard.*

SOLICITORS: *J. N. Nabarro & Sons; The Clerk to the Surrey County Council.*

[Reported by R. C. CALBURN, Esq., Barrister-at-Law.]

NOTES AND NEWS

Honours and Appointments

The King has approved the appointment of Mr. PATRICK WILLIAM DUFF as Regius Professor of Civil Law at Cambridge University.

The Lord Chancellor has appointed Mr. HENRY MAKIN DRAPER, Registrar of the Northampton, Daventry, Rugby, Wellingborough, Market Harborough, Coventry, Banbury and Chipping Norton County Courts and District Registrar in the District Registries of the High Court of Justice in Northampton and Coventry, to be *in addition* Registrar of the Bletchley and Leighton Buzzard County Court as from 1st October, 1945, *vice* Mr. F. W. Bull, who retired on the 30th September, 1945. The Lord Chancellor has also appointed Mr. HERBERT ATKINSON, Registrar of the Harrogate, Ripon and Tadcaster County Courts and District Registrar in the District Registry of the High Court of Justice in Harrogate, to be *in addition* the Registrar of York, Malton and Selby County Courts and District Registrar in the District Registry of the High Court of Justice in York, as from the 1st October, 1945, *vice* Mr. Frank Perkins, who retired on the 30th September, 1945.

The Home Secretary has appointed Mr. JOHN CATTERALL JOLLY, K.C., Chairman of the Lancashire Quarter Sessions, and Captain HENRY STUDDY, Chief Constable of the West Riding of Yorkshire, to be members of the Advisory Council on the Treatment of Offenders in the place of Sir Hartley Shawcross, K.C., M.P., and Mr. W. C. Johnson, who have resigned.

Mr. NORMAN JOHN SKELHORN has been appointed Recorder of Bridgwater in succession to Mr. NORMAN RAY FOX-ANDREWS, K.C., who has been appointed Recorder of Bournemouth. Mr. Skelhorn was called by the Middle Temple in 1931, and Mr. Fox-Andrews, K.C., by Lincoln's Inn, in 1921.

Mr. GEORGE ALLISON MONTGOMERY, Mr. JAMES RANDALL PHILIP, Mr. ROBERT HENRY SHERWOOD CALVER, Mr. JAMES FREDERICK GORDON THOMPSON, Mr. WILLIAM RANKINE MILLIGAN, Mr. CHRISTOPHER WILLIAM GRAHAM GUEST and Mr. HECTOR M'KECHNIE have been appointed King's Counsel in Scotland.

Mr. WALTER HEDLEY, K.C., has been appointed Chairman of the North Riding Quarter Sessions in place of Sir Francis Dunnell, Bt., who has resigned. Mr. Hedley has been a Metropolitan Police Magistrate since 1934, first at Clerkenwell and, since 1941, at Marlborough Street.

Mr. A. EXTON, solicitor to the Blackburn Corporation, has been appointed Clerk to the Derby Borough Magistrates. Mr. Exton was admitted in 1930.

Mr. E. E. KING, Deputy Town Clerk and Deputy Clerk of the Peace for West Ham, has been appointed Town Clerk and Clerk of the Peace for the borough. He was admitted in 1924.

Notes

The Recorder of Stamford has fixed the next General Quarter Sessions for the Borough of Stamford to be held on Wednesday, 31st October, at 11.30 a.m.

The Judicial Committee of the Privy Council began its Michaelmas sittings on Tuesday, 9th October, with a list of thirty-nine appeals, of which twenty-eight are from India, two from Canada, four from Ceylon, two from West Africa, and one each from Malta, Palestine and Trinidad and Tobago. Four judgments await delivery, as well as their lordships' reasons for dismissing two criminal appeals.

COURT PAPERS

SUPREME COURT OF JUDICATURE

MICHAELMAS SITTINGS, 1945

HIGH COURT OF JUSTICE—CHANCERY DIVISION

Mr. Justice UTHWATT

Such business as may from time to time be notified

Mondays—Companies Business

GROUP A

Mr. Justice COHEN

Mondays—Chamber Summonses.
Tuesdays—Motions, Short Causes, Petitions, Procedure Summonses, Further Considerations and Adjourned Summonses.
Wednesdays—Adjourned Summonses.
Thursdays—Adjourned Summonses.
Fridays—Motions and Adjourned Summonses.

Lancashire Business will be taken on Thursdays, 18th October, 1st, 15th and 29th November and 13th December.

Mr. Justice VAISEY

Mr. Justice VAISEY will sit for the disposal of the Witness List.

GROUP B

Mr. Justice EVERSHED

Mr. Justice EVERSHED will sit for the disposal of the Witness List.
Mondays—Bankruptcy Business.
Bankruptcy Motions will be heard on Mondays, 15th October, 5th and 26th November.
Bankruptcy Judgment Summonses will be heard on Mondays, 22nd October, 12th November and 3rd December.
A Divisional Court in Bankruptcy will sit on Mondays, 29th October, 19th November and 10th December.

Mr. Justice ROMER

Mondays—Chambers Summonses.
Tuesdays—Motions, Short Causes, Petitions, Procedure Summonses, Further Considerations and Adjourned Summonses.
Wednesdays—Adjourned Summonses.
Thursdays—Adjourned Summonses.
Fridays—Motions and Adjourned Summonses.

COURT OF APPEAL AND HIGH COURT OF JUSTICE—CHANCERY DIVISION

MICHAELMAS SITTINGS, 1945

ROTA OF REGISTRARS IN ATTENDANCE ON

Date.	Emergency Rota.	Appeal Court I.	Mr. Justice Uthwatt.
Mon., Oct. 15	Mr. Hay	Mr. Jones	Mr. Reader
Tues., ,, 16	Farr	Reader	Hay
Wed., ,, 17	Blaker	Hay	Farr
Thurs., ,, 18	Andrews	Farr	Blaker
Fri., ,, 19	Jones	Blaker	Andrews
Sat., ,, 20	Reader	Andrews	Jones

	Group A.		Group B.	
Date.	Mr. Justice Cohen. *Non-Witness.*	Mr. Justice Vaisey. *Witness.*	Mr. Justice Eversheb. *Witness.*	Mr. Justice Romer. *Non-Witness.*
Mon., Oct. 15	Mr. Andrews	Mr. Blaker	Mr. Hay	Mr. Farr
Tues., ,, 16	Jones	Andrews	Farr	Blaker
Wed., ,, 17	Reader	Jones	Blaker	Andrews
Thurs., ,, 18	Hay	Reader	Andrews	Jones
Fri., ,, 19	Farr	Hay	Jones	Reader
Sat., ,, 20	Blaker	Farr	Reader	Hay